

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

C. MICHAEL KAMPS
Plaintiff,

v.

**BANK OF AMERICA, N.A.,
SETERUS, INC., AND
FEDERAL NATIONAL
MORTGAGE ASSOCIATION,
Defendants.**

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CIVIL ACTION NO. 3:14-cv-581

JOINT STATUS REPORT OF JUNE 9, 2014

Plaintiff C. Michael Kamps and Defendants Seterus, Inc., Bank of America, N.A., and Fannie Mae file this Joint Status Report in accordance with the Court's Order Granting Joint Motion to Stay [Doc. 6]. The court stayed this case pending a "final" decision by the Texas Supreme Court on certified questions in *Sims v. Carrington Mortg. Svcs., LLC*, No. 12-10978, 538 F. App'x 537 (5th Cir. 2013).

The Texas Supreme Court has issued a decision, but that decision is not yet final. On May 16, 2014, *Sims* held that a "modification" can add past-due sums into the principal of a mortgage loan without complying with all the requirements for the origination of a home equity loan under Tex. Const. art. XVI, § 50(a)(6). *See Sims v. Carrington Mortg. Svcs., LLC*, No. 13-0638, 2014 WL 1998397 (Tex. May 16, 2014).¹

The *Sims* plaintiffs alleged and believe the decision *Sims* decision failed to address a separate category of funds, *future* property taxes and insurance not yet due at the time of the "modification" or "restructuring" and have sought rehearing

¹ A courtesy copy of the decision is attached as Exhibit A.

on that issue.² Mr. Kamps has likewise alleged future sums were added to his loan.
[Doc. 1 at 3-4, ¶¶ 11].

DATED: June 9, 2014.

Respectfully submitted,
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² A courtesy copy of that motion is attached as Exhibit B.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served as indicated on June 9, 2014, to the following:

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